

REMARKS

Claims 1-5 and 7-19 are pending. Reconsideration in view of the following remarks is respectfully requested.

Claim 18 was rejected under 35 U.S.C. §112, first paragraph. The rejection is respectfully traversed.

It is respectfully submitted that the “third arm” of claim 18 is clearly disclosed, for example on page 8, paragraph [0056] as the farther arm 70. The undersigned notes that MPEP § 2173.05(e) states: “There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.” It is also respectfully submitted that the Examiner has not met his initial burden of presenting evidence or reasons why a person of ordinary skill in the art would not recognize that the written description of the invention provides support for the claims, or any of the other initial burdens set forth in MPEP §§ 2163+.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, 1st paragraph are respectfully requested.

Claims 1-5, 7-13 and 17-19 were rejected under 35 U.S.C. §102(b) over Bausenbach et al. (U.S. Patent 3,836,123). The rejection is respectfully traversed.

Although the undersigned appreciates the Examiner’s clever interpretation of the shaft 92 and Figure 4, the undersigned reminds the Examiner that MPEP § 2111 directs that “[d]uring patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification.’” (Underlining emphasis added.)

MPEP § 2111 also states: “The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”

It is respectfully submitted that the Examiner’s determination of the shaft 92 of Bausenbach et al. as corresponding to claim 1’s first and second spaced pivots is not the broadest reasonable interpretation of the term “pivot” consistent with the specification, or with the interpretation that those skilled in the art would reach. It is further respectfully submitted that the Examiner’s interpretation is not even a reasonable interpretation.

A pivot is a shaft or pin on which something turns. The fact that both jaws 74, 76 pivot about the same shaft 92, albeit in parallel planes, does not somehow eliminate the

reality that the shaft 92 is, in fact, a singular pivot. It is not a first pivot and a second pivot spaced from the first pivot.

Moreover, the spring 106 is clearly not between the cross brace 22/horizontal bar 24 and the jaw 74, under any interpretation, reasonable or unreasonable. A rather brief review of Figure 3 clearly indicates that the spring 106 is not between these elements.

Claims 2-5, 7-13 and 17-19 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

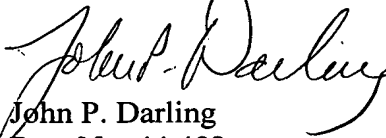
It is further respectfully submitted that the additional features of the invention highlight the unreasonableness of the Examiner's interpretation of Bausenbach et al. For example, with respect to claim 3, the Examiner alleges on page 3, lines 10-11, that the spring 106 is connected to the second arm 74 at a position between the pivot 92 and the second arm pivot. A simple review of Figure 3, and column 5, lines 5-9, clearly demonstrate that this is not the case. The spring 106 is biased between the nut 104 and the link 90. The spring 106 is not connected to the jaw 76, even under the most strained interpretation. The spring 106 is also clearly not between the "pivots" of the jaws 74, 76, which under the Examiner's interpretation are the points in parallel planes as seen in Figure 4.

Reconsideration and withdrawal of the rejection over Bausenbach et al. are respectfully requested.

Applicant respectfully submits that the claims define subject matter, which is patentable over the prior art of record. Should any issues require further resolution, the Examiner is requested to telephone applicant's undersigned attorney to discuss and resolve the issues.

Respectfully submitted,

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